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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

v.

Malachi Smith,

Defendant.

2:20-cr-0087-JAD-DJA

**Stipulation to Continue Briefing  
Deadline** (First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou, Acting United States Attorney, and Stephanie N. Ihler, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Andrew Wong, Assistant Federal Public Defender, counsel for Malachi Smith, that the deadline to respond to Defendant's motion to suppress currently scheduled for April 16, 2021, be vacated and continued to April 23, 2021. Additionally, the parties request the deadline for Defendant's reply scheduled for April 23, 2021 be continued to April 30, 2021.

1 This Stipulation is entered into for the following reasons:

- 2 1. On April 2, 2021, defense counsel filed a motion to suppress (ECF. 40). The  
3 motion includes numerous allegations that require Government  
4 Counsel, exercising due diligence, to confer with agents, and review the  
5 discovery in depth, specifically the 911 call and body camera  
6 recordings, in order to be able to file a comprehensive response.
- 7 2. The need to thoroughly review the discovery is even more necessary in  
8 this case, because Government Counsel was just recently assigned to  
9 this case last month because the original AUSA assigned to this case  
10 no longer works at the office.
- 11 3. Unfortunately, Government was in Oklahoma on vacation when the  
12 motion was filed, and unable to access the discovery at that time.
- 13 4. Upon returning to town, Government Counsel immediately began  
14 reviewing discovery to formulate a cogent response to the motion.  
15 However, a thorough review of all the evidence took longer than  
16 anticipated.
- 17 5. Therefore, the Government is requesting additional 7 days, to prepare  
18 response.
- 19 6. Counsel for Defense has no objection to the Government's request.
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1 Therefore, the parties jointly request that the deadline to file a response,  
2 which is currently scheduled for April 16, 2021, be vacated, and continued to April  
3 23, 2021. Additionally, the parties request the deadline for Defendant's reply scheduled for  
4 April 23, 2021 be continued to April 30, 2021.

5 DATED: April 14, 2021.  
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8 Rene L. Valladares  
9 Federal Public Defender

Christopher Chiou  
Acting United States Attorney

10 */s/ Andrew Wong*  
By \_\_\_\_\_

*/s/ Stephanie Ihler*  
By \_\_\_\_\_

11 Andrew Wong  
12 Assistant Federal Public Defender

Stephanie Ihler  
Assistant United States Attorney

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UNITED STATES DISTRICT COURT  
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**Order Granting First Stipulation to  
Continue Briefing Deadline**

Based on the stipulation of counsel, the Court finds that good cause exists to continue the Government's deadline to file a response to the Defendant's motion to suppress.

IT IS THEREFORE ORDERED that any response to Defendant's motion to suppress (ECF No. 40) is due by April 23, 2021. The Defendant's reply is due by April 30, 2021.

DATED: April 15, 2021.



Daniel J. Albregts  
United States Magistrate Judge